

### REMARKS

Claims 1-18 are currently pending in this application, with claims 1, 4, 12, 15 and 18 being independent. Claims 1-3 and 12-14 have been withdrawn from consideration based upon Applicants' response to a restriction requirement filed September 17, 2004. Claim 15 has been amended to more appropriately define the present invention, and new claims 16-18 have been added to define additional aspects of the invention.

#### Amendments to the Drawings

In the outstanding Office Action, the Examiner objected to Figures 11, 12, and 24 because they contained typographical errors. Applicants submit herewith replacement sheets to address said typographical error and respectfully request the objection to the drawings be withdrawn. Marked-up copies of these figures, indicating changed in red ink, are also being provided as a courtesy to the Examiner.

#### New Abstract

The Examiner objected to the Abstract of the Disclosure as filed because it exceeded 150 words. Applicants submit herewith a replacement Abstract which fully complies with 37 C.F.R. § 1.72(b). Applicants therefore respectfully request the Examiner withdraw the objection to the Abstract of the Disclosure.

Allowable Subject Matter

The Examiner indicated that claim 10 is directed to allowable subject matter but was objected to as being dependent upon a rejected base claim. Applicants wish to thank the Examiner for the indication of allowable subject matter.

Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 4-9, 11, and 15 under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 5,737,246 to Furukawa et al. ("Furukawa"). Applicants submit the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverse this rejection.

Furukawa merely discloses a depth measurement device suitable for use in a dive watch (Abstract). Specifically, Furukawa discloses an electronic wristwatch having a water depth measuring capability having a display screen 4A made of an LCD panel 4. The display screen 4A is divided into a graphic display area 4B on its upper half for presenting depth image change recording as a function of elapsed time, a display area 4C on its lower half for presenting alternately time and water depth, and a display area 4D on its right-hand side. The display area 4D indicates a depth variation along with a direction of variation. (See column 10, lines 14-27.) Furukawa further discloses a comparator circuit 72 which determines when a computed water depth is greater than a predetermined water depth value. This comparator circuit 72 determines this affirmatively, and output control circuit 73 is made operative by the output of comparator circuit 72 to provide an alarm. The output control circuit 73 sends an alarm generation command signal to an alarm output circuit (speaker control circuit) 20. Upon receiving the alarm generation command signal, the

alarm output circuit 20 operates, giving an alarm sound from a loudspeaker 7. (See column 14, lines 44-60; Figure 7.) Furthermore, a display control circuit 19 connected to the output control circuit 73 is operative to allow the water depth value display to flash in synchronism with the generation of the alarm on the LCD panel 4. (See column 14, lines 61-64.)

However, Furukawa fails to disclose, at least, “displaying a predetermined image and an alarm on in an emergency, wherein the predetermined image is displayed on the display screen at low brilliance, and the screen is changed into high brilliance during an alarm time,” as recited in claim 4 (emphasis added).

Furukawa is distinguished by the features recited in claim 4 and that Furukawa merely flashes the display when the alarm is triggered. “Flashing” is defined as: “To cause light to appear suddenly or in intermittent bursts.” (See the *American Heritage Dictionary of the English Language*, 4<sup>th</sup> Edition, 2000.) Claim 4 is distinguished in that the display is already being displayed at a low brilliance, and when the screen is changed into high brilliance during an alarm time.

The Examiner also rejected claims 4-9, 11, and 15 under 35 U.S.C. § 102(b) as being anticipated by JP10141952 (“’952”). Again, Applicants submit the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverse this rejection.

’952 merely discloses a wristwatch which includes a diving unit along with several alarm functions for measuring and displaying a depth of water. Specifically, ’952 discloses providing an alarm based upon water depth which includes flashing the LCD display and displaying a warning sound (see Basic Abstract; Figure 8; 119). However, ’952 fails to disclose, at least, “having a display screen for displaying a predetermined image and an alarm on in an emergency, wherein the predetermined image is displayed on the display

screen at low brilliance, and the screen is changed into high brilliance during an alarm time,” as recited in claim 4.

As provided in the arguments for claim 4 above with reference to Furukawa, '952 merely discloses a display which flashes during an alarm. Because flashing is merely defined as a sudden appearance or intermittent bursts of light, it is distinguished by the features recited above in claim 1.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claim 4.

Claims 5-9 and 11 depend from allowable claim 4 and are also allowable by virtue of their dependency.

Regarding claim 15, as provided above, both Furukawa and '952 merely disclose a wristwatch capable of determining depth and presenting an alarm when the depth value reaches a predetermined point. The alarm is indicated is indicated by flashing the digital display appearing on the face of the watch and providing an audible alarm.

Conversely, both Furukawa and '952 fail to disclose, at least, “a display instrument having a display screen for displaying a predetermined image and an alarm in an emergency, wherein the display screen is initially adjusted to display at high brightness and subsequently flashes on and off during an alarm time,” as recited in claim 15 (emphasis added).

Furukawa and '952 are distinguished in the fact that they merely flash the digital display, and fail to initially adjust the display to a high brightness prior to a flashing of the display, as recited in claim 15.

Accordingly, Applicants respectfully request the Examiner to withdrawn both § 102(b) claim rejections of claim 15.

#### Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

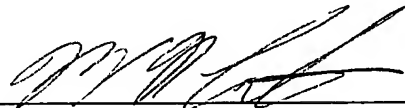
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at (703) 205-8000 to conduct an interview in an effort to expedite prosecution in connection with the present application.


A prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Michael R. Cammarata  
Reg. No. 39,491

  
MRC/JAV/slb  
3629-0106P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s): Replacement Abstract of the Disclosure  
Three (3) Replacement Sheets of Drawings (Figs. 11, 12 and 24)  
Three (3) Annotated Sheets of Drawings (Figs. 11, 12 and 24)

AMENDMENTS TO THE DRAWINGS

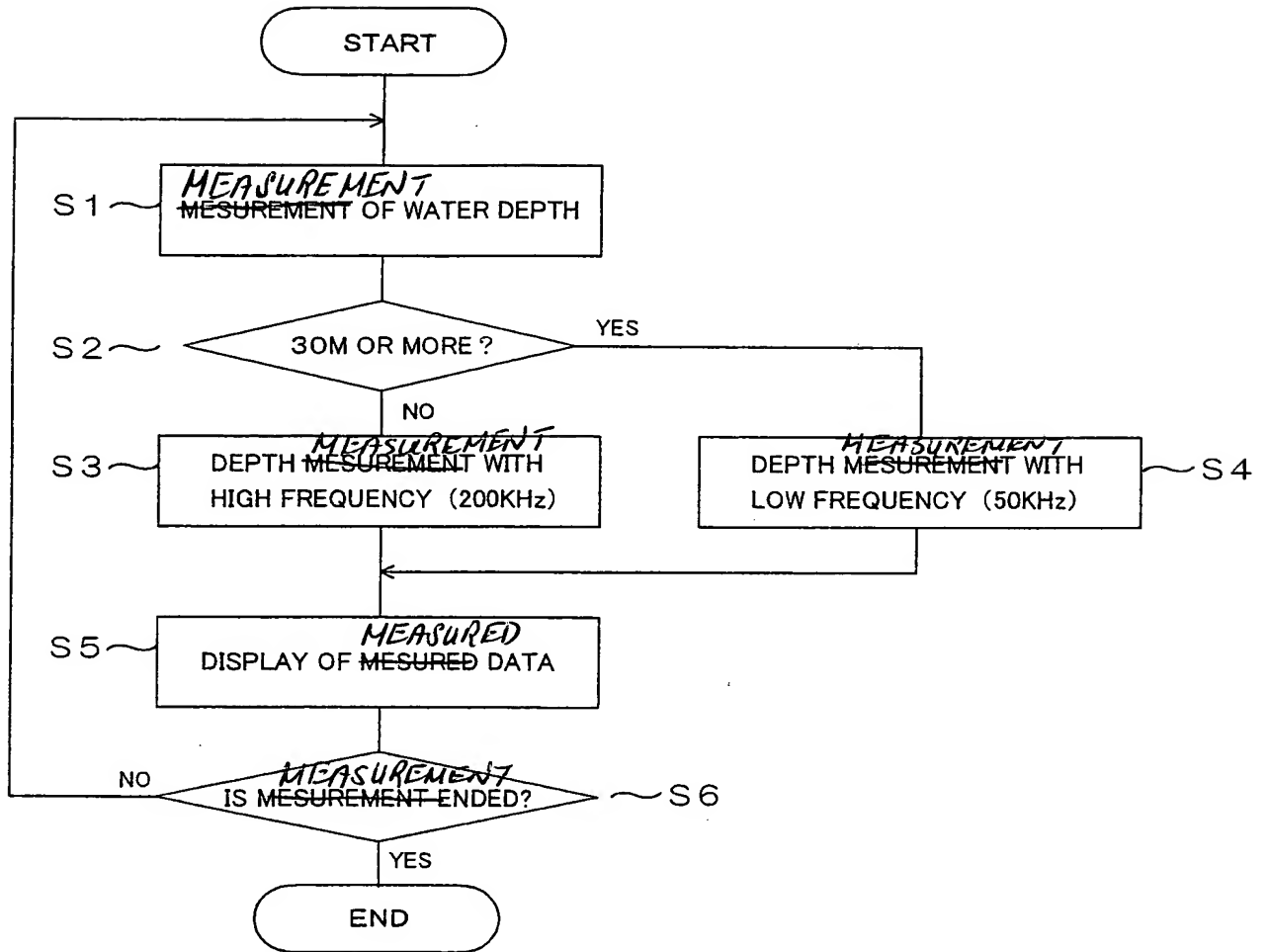
Attached hereto are three (3) sheets of corrected drawings that comply with the provisions of 37 C.F.R. § 1.84. The corrected drawings incorporate the following drawing changes:

Figures 11, 12 and 24 are changed to correct various typographical errors. Marked-up copies of the drawings are provided indicating changes made in red.

It is respectfully requested that the corrected drawings be approved and made a part of the record of the above-identified application.

# ANNOTATED SHEET

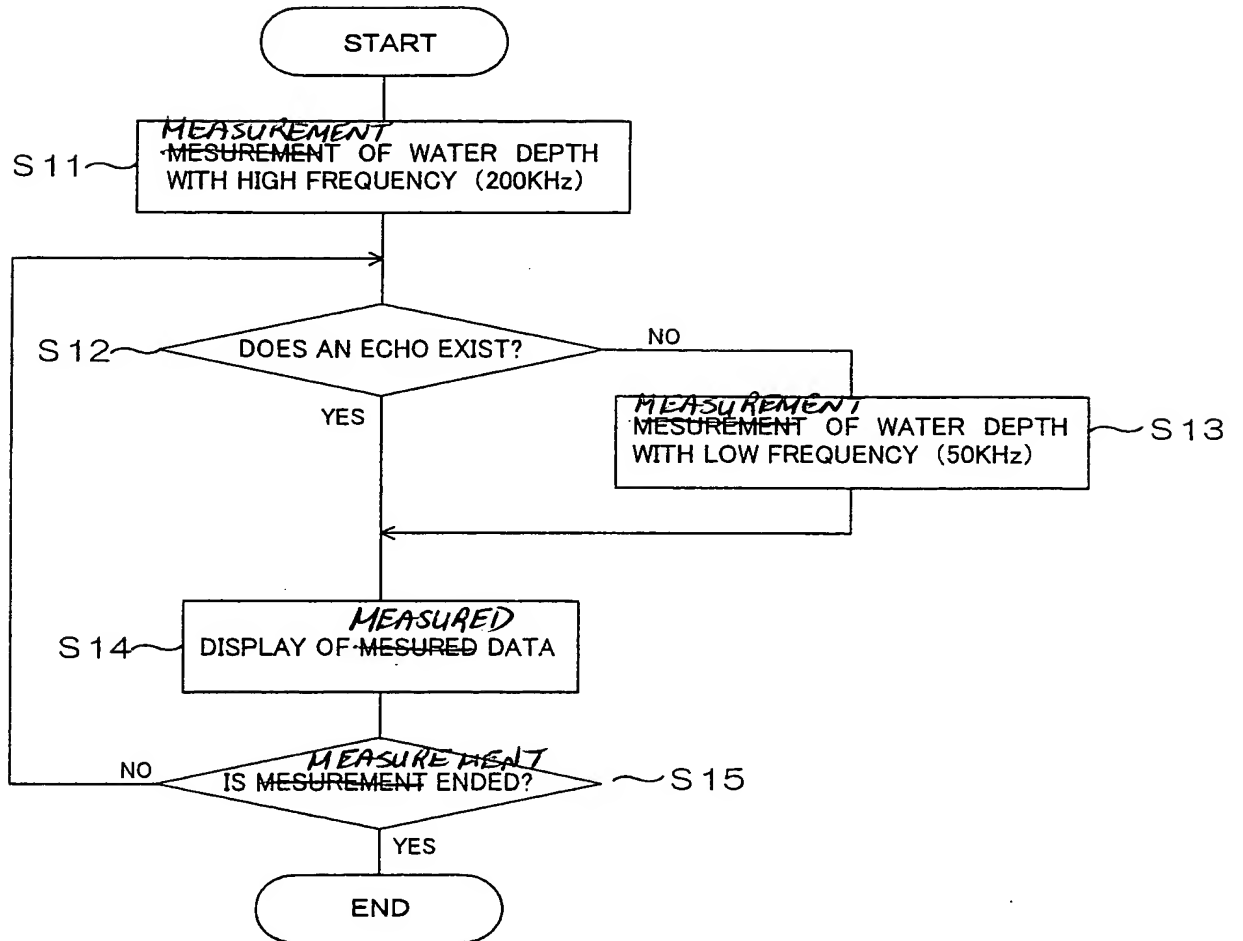
FIG. 11





# ANNOTATED SHEET

FIG. 12



# ANNOTATED SHEET

FIG. 24

